

LAW OFFICES
FARRAR & BATES, L.L.P.

J. Russell Farrar
William N. Bates
Kristin Ellis Berexa
Paul D. Caver, Jr.
Teresa Reall Ricks
John E. Carter
Tonya M. Crownover
Gregory E. Seneff, Sr.
Molly R. Cripps

211 Seventh Avenue North
Suite 320
Nashville, Tennessee 37219-1823
Telephone 615-254-3060
Facsimile 615-254-9835
E-Mail: fblaw@ibm.net

Of Counsel

REC'D
REGULATORY AUTH.
H. LaDon Baltimore
Joseph S. Reeves III

'98 DEC 21 AM 2 57

OFFICE OF THE
EXECUTIVE SECRETARY

December 21, 1998

David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-5015

Via Hand Delivery

Re: BellSouth Telecommunications, Inc.'s entry into long distance (interLATA)
service in Tennessee pursuant to Section 271 of the Telecommunications Act of
1996; Docket No. 97-00390

309

Dear Mr. Waddell:

Enclosed are the original and 14 copies of Intermedia Telecommunications' response to the request of Chairman Melvin Malone as Hearing Officer in the above-referenced matter for all parties to state their positions of BellSouth's compliance with the Checklist Items of Section 271(c)(2)(B) as well as a computer diskette with this response in Word format. Please return one copy stamped "received" to the person delivering this response.

Sincerely,

H. LaDon Baltimore/dcg

H. LaDon Baltimore
LDB\dcg

cc: Parties of Record

INTERMEDIA COMMUNICATIONS INC.
TENNESSEE SECTION 271 CHECKLIST COMPARISON
DECEMBER 17, 1998

Checklist/Item Definition	FCC Decision in Louisiana	Intermedia Positions in Tennessee
<p><u>Checklist Item 1 – Interconnection:</u> BellSouth must allow other carriers to link their network to its network for the mutual exchange of traffic. To do so, BellSouth must permit carriers to use any available method of interconnection at any available point in BellSouth's network.</p>	<p><u>Not Met:</u> The FCC found BellSouth's showing on its collocation to be insufficient and found that interconnection between the networks must be equal in quality whether the interconnection is between BellSouth and another carrier. BellSouth did not show that it (provides) interconnection that meets the standard.</p>	<p><u>Not Met:</u> Support FCC assessment. Further, alternatives to physical collocation to perform combinations are not provided. Of particular concern are alternatives where Intermedia cannot collocate due to space exhaust or limitations. BellSouth has also failed to meet their interconnection requirements with regard to reciprocal compensation (see checklist item 13 below). Strow Direct</p>
<p><u>Checklist Item 2 – Access to Unbundled Network Elements:</u> Telephone networks are comprised of individual network elements. In order to provide "access" to an unbundled network element, BellSouth must provide a connection to the network element at any technical feasible point underrates, terms and conditions that are just, reasonable and non-discriminatory. To do so, BellSouth must provide access to its OSS Systems necessary to support the elements and services. This is important because access to BellSouth's OSS provides new entrants with the ability to order service for their customers and to communicate effectively with BellSouth regarding such basic activity as placing orders and providing repair and maintenance service for customers.</p>	<p><u>Not Met:</u> The FCC held that BellSouth did not demonstrate that its OSS enables other carriers to integrate electronically/its preordering and ordering functions, thus placing those carriers at a competitive disadvantage relative to BellSouth's own retail operations. BellSouth processed orders without delay for 96% of its won residential customers and 82% of its business customers, BellSouth processed orders without delay for only 35% of its competitors' residential and business customers combined. The FCC also held that BellSouth must provide non-discriminatory access to network elements in a manner that allows other carriers to combine such elements, which BellSouth failed to demonstrate.</p>	<p><u>Not Met:</u> OSS (EDI) performance issues still exist. No mechanization for complex services and most UNEs. Databases containing DSL loop information should be made available via OSS. BellSouth is not offering UNEs at higher transmission levels and has refused to provide a local channel element. Strow Direct</p>
<p><u>Checklist Item 3 – Poles, Ducts, Conduits and Rights of Way:</u> In order to serve customers, telephone company lines must be attached to, or passed through poles, ducts, conduits and rights of way.</p>	<p><u>Met:</u> The FCC held that BellSouth demonstrated that other carriers can obtain access to its poles, ducts, conduits, and rights of way within reasonable time frames and upon reasonable terms and conditions, with a minimum of administrative costs and consistent with fair and efficient practices.</p>	<p><u>Met:</u> Support FCC assessment of this checklist item.</p>

Checklist/Item Definition	FCC Decision in Louisiana	Intermedia Positions in Tennessee
<p>Checklist Item 4 – Unbundled Local Loops: Local loops are the wires, poles and conduits that connect the telephone company end office to the customer's home or business. Non-discriminatory access to unbundled local loops ensures that new entrants can provide quality telephone service promptly to new customers without constructing new loops to each customer's home or business.</p>	<p>Not Met: The FCC held that BellSouth failed to demonstrate that it can efficiently furnish unbundled loops to other carriers within a reasonable time frame, with a minimum level of service interruption, and at the same level of service quality that it provides to its own customers.</p>	<p>Not Met: Support FCC and GPSC assessment. Further, BellSouth is not compliance with this checklist item due to its failure to provide loops at higher transmission levels (OC3,OC12,OC48). XDSL loops (e.g. "clean copper") also not in compliance. BellSouth has also refused to provide pursuant to the Act, unbundled extended loops as a UNE. Strow Direct</p>
<p>Checklist Item 5 – Unbundled Local Transport: Non-discriminatory access to BellSouth's transport facilities ensures that calls carried over competitors lines are completed properly.</p>	<p>Not Met: Although BellSouth demonstrates that it provides transport on terms and conditions consistent with FCC regulations, it does not provide evidence such as meaningful performance data, that it provides non-discriminatory access to OSS for the purpose of providing transport facilities. Adequate OSS is necessary so that carriers may order transport, except for the deficiencies in its OSS BellSouth would have satisfied this item.</p>	<p>Not Met: Support FCC assessment of this checklist item. Further, BellSouth is not providing dedicated transport at higher transmission levels. BellSouth has refused to provide interoffice transport between ILEC office and CLEC office. Strow Direct</p>
<p>Checklist Item 6 – Unbundled Local Switching: A switch connecting end users to each other and to trunks used to transport calls. Switchers can also provide customers with features such as call waiting, call forwarding and caller I.D., and can direct a call to a specific trunk, such as to a competitor's operator services.</p>	<p>Not Met: The FCC held that BellSouth did not show that it provides competitors with all of the features, functions, and capabilities of the switch.</p>	<p>Not Met: Support FCC assessment of this checklist item. Further, in light of FCC's August order on advanced services (Section 706 requirements), unbundled local switching must also be made available for data switches. Strow Direct</p>
<p>Checklist Item 7 – 911 and E-911 Services, Operator Services and Directory Assistance: BellSouth must provide competing carriers with accurate and non-discriminatory access to 911/E-911 services so that these carriers' customers are able to reach emergency assistance.</p>	<p>Met in Part: The FCC held that BellSouth satisfied this requirement; however, BellSouth failed to demonstrate that it provides other carriers with the same access to directory assistance and operator services that it provides itself.</p>	<p>Met: Support FCC and GPSC assessment of this checklist item.</p>
<p>Checklist Item 8 – White Pages Directory Listings: These are listings of customers telephone numbers in a particular area.</p>	<p>Met: BellSouth demonstrated that its provisions of White pages listings to its competitors' customers is non-discriminatory in terms of appearance and integration, and that it provides listings for competing carriers customers with the same accuracy and reliability that it provides to its own customers.</p>	<p>Met: Support FCC and GPSC assessment of this checklist item.</p>
<p>Checklist Item 9 – Numbering Administration: Access to New Telephone Numbers.</p>	<p>Met: The FCC held that BellSouth demonstrated its compliance with industry guidelines and FCC requirements to insure that its competitors have the same access to new telephone numbers in a given area code that BellSouth enjoys.</p>	<p>Met: Support FCC assessment of this checklist item.</p>
<p>Checklist Item 10 – Databases and Associated Signaling: New entrants must have the same access as BellSouth to these databases and signaling systems in order to have the same ability as</p>	<p>Met: The FCC held that BellSouth demonstrated that it provides competitors with non-discriminatory access to these functions.</p>	<p>Met: Support FCC assessment of this checklist item.</p>

Checklist/Item Definition	FCC Decision in Louisiana	Intermedia Positions in Tennessee
BellSouth to transmit, route, complete and bill for telephone calls.		
Checklist Item 11 – Number Portability: Number portability enables customers to take their telephone number with them when they change local telephone companies.	Not Met: According to the FCC, BellSouth did not sufficiently demonstrate that it provides number portability to competitors in a reasonable time frame, which may prevent a customer from receiving incoming calls for a period of time after switching from BellSouth to a competitor.	Not Met: Support FCC assessment of this checklist item. Parity provisions have not been met. Strow Direct
Checklist Item 12 – Local Dialing Parity: Competitors' customers do not have to dial extra digits to make local calls nor do they experience inferior quality	Met: The FCC held that BellSouth met this checklist item.	Met: Support FCC and GPSC assessment of this checklist item.
Checklist Item 13 – Reciprocal Compensation: BellSouth is required to compensate CLECs for the cost of transporting and terminating a local call from BellSouth, and CLECs are required to compensate BellSouth for the cost of transporting and terminating a local call from the CLEC.	Met: The FCC held that BellSouth met this checklist item. The FCC states that it did not consider BellSouth's unwillingness to pay reciprocal compensation for traffic that is delivered to ISPs located within the same local calling area as the originating BellSouth end users in assessing whether BellSouth satisfies this checklist item. Any future grant of in-region interLATA authority under section 271 will be conditioned on compliance with forthcoming decisions relating to Internet traffic in Louisiana.	Not Met: BellSouth has not met its reciprocal compensation requirements under the Act given that it has failed to compensate Intermedia for internet traffic terminated on our network. In light of the FCC's language in the Louisiana decision and since the Tennessee Regulatory Authority has ordered that compensation is due for traffic delivered to ISPs on Intermedia's network, BellSouth cannot be found in compliance until such time as it has complied with the TRA's order and paid CLECs any balance due for such traffic. Strow Direct
Checklist Item 14 – Resale: BellSouth must offer other carriers all of its retail services at wholesale rates without unreasonable or discriminatory conditions or limitations so that other carriers may resale those services to customers.	Not Met: BellSouth does demonstrate that it offers all of its retail services for resale at wholesale rates without unreasonable or discriminatory conditions or limitations, but it does not show, however that it provides non-discriminatory access to OSS for the resale of its retail telecommunications services. The FCC held that carriers need adequate OSS in order to resell BellSouth services.	Not Met: Support FCC and GPSC assessment of this checklist item. Further, OSS issues with regard to failure to meet FOCs in 48 hours for resale orders. Parity in pricing issues also persist in competitive bidding situations. Strow Direct

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded, via U. S. Mail, first class postage prepaid, to the persons listed below this the 21st day of December, 1998.

H. LaDon Baltimore / by xH
H. LaDon Baltimore

H. Edward Phillips, Esq.
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

L. Vincent Williams, Esq.
Office of the Consumer Advocate
Cordell Hull Building, 2nd Floor
426 Fifth Avenue North
Nashville, TN 37243-0500

Henry Walker, Esq.
Boult, Cummings, Conners & Berry
PO Box 198062
Nashville, TN 37219]

Guy M. Hicks, Esq.
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

Jon Hastings, Esq.
Boult, Cummings, Conners & Berry
PO Box 198062
Nashville, TN 37219

Dana Shaffer, Esq.
105 Molloy Street, Suite 300
Nashville, TN 37201

Carolyn Tatum Roddy, Esq.
Sprint Communications Co. L.P.
3100 Cumberland Circle - N0802
Atlanta, GA 30339

Guilford Thornton, Esq.
Stokes & Bartholomew
424 Church St.
Nashville, TN 37219

James P. Lamoureux
AT&T
1200 Peachtree Street, NE
Suite 4068
Atlanta, GA 30367

D. Billye Sanders, Esq.
Waller, Lansden, Dortch & Davis
511 Union Street
Suite 2100
Nashville, TN 37219-1750

Andrew O. Isar, Esq.
Telecommunications Resellers Association
4312 92nd Ave. NW
Gig Harbor, WA 98335

Donald L. Scholes, Esq.
Branstetter, Kilgore, et al.
227 Second Avenue North
Nashville, TN 37219